

**Barry County Planning Commission
Special Meeting Minutes
March 14, 2022**

The meeting was called to order by Chairperson Clyde Morgan at 7:00 p.m. in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, Vivian Conner, Jack Miner, Jack Nadwornik, Joyce Snow, and Robert Vanderboegh. John LaForge was absent. Others in attendance included: Tony Halloran, Ken Vermeulen, Barry County Planning Director James McManus, and many other interested people.

Motion by Morgan to excuse LaForge for the next three meetings. Support by Nadwornik. All ayes - motion carried.

Motion by Miner to approve the agenda as printed. Support by Conner. All ayes – motion carried.

Motion by Snow to approve the minutes of February 28, 2022 as written. Support by Vanderboegh. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing.

Special Use

Case No. SP-1-2022

**Michigan Materials & Aggregate Co.
(Property Owner)**

Morgan recessed the Planning Commission and opened the public hearing.

McManus noted the request was for a gravel pit operation in Orangeville Township. He noted the site is connected to a proposed gravel operation in Hope Township which has not been finalized yet. He noted the Planning Commission can only consider a special use approval since the site plan is contingent on Hope Township's approval.

McManus noted the Planning Commission had been provided copies of all of the written correspondence and submitted information.

Tony Halloran from StoneCo noted they have operations all over the state, including four limestone quarries, 10 sand and gravel operations, and 11 satellite locations. He went over the site plan for the property on Miller Road and noted the driveway will be located at the base of the swale. He said the drive will go over the hill, and the processing plant will be to the rear of the property in a low area which should help with the sound and dust control. He noted they will work in phases starting with Phase 1 and going toward Hayward Road and back to the field.

Ken Vermeulen, an attorney representing StoneCo, noted the courts and legislature have treated gravel mining differently than other land uses. He noted you can only mine where the gravel is located. He stated the 2011 Zoning Enabling Act amendment states that the Planning Commission cannot deny a request to mine unless there are very serious consequences. He noted there is an existing gravel pit next to the property, and the soil borings indicate that there are good deposits on the property. He noted StoneCo can mitigate the majority of the issues associated with mining.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed.

Bill Krueger, president of the Healthy Waters Alliance, noted he lives less than one mile from the proposed gravel pit. He said there are lots of gravel mines in the area, and they are a nuisance. He noted there is a potential for mass mining in the area, which would be a threat to the lifestyle, and would negatively affect the area. He said gravel pits will change the appearance of the property, and he was concerned about dust and noise, especially silica dust. He commented that there is a noise limitation of 65 db at the property line, and he was concerned about a potential decrease in property values.

Krueger continued and noted there is a horse farm next to the property, and that business could be negatively impacted. He noted the Master Plan should be amended and areas for mining should be designated.

Krueger suggested that if the gravel pit were to be approved, the access should come off of Hayward Road, that the depth of the pit be limited to 50 feet, that berms be constructed and evergreen trees be planted on them, and that the hours of operation be limited to 8-5 Monday-Friday and 8-12 on Saturday.

Ellen Berens noted she had submitted documentation to the Planning Commission. She said there were very serious consequences including existing land use impacts, and impacts on property values. She submitted additional documents to the Planning Commission. She said a pedestrian/traffic study should be conducted, and the impacts on health and safety should be studied. She said the gravel operation could impact the wells in the area. She questioned what the limit of gravel pits should be. She asked that any noise impacts be minimized, and, if necessary, traffic, environmental, and noise studies should be conducted.

Don Sklenka, who lives on Wilkinson Lake, noted he has learned a lot about gravel. He questioned if StoneCo's reps were experts. He submitted a list of questions that the Planning Commission could ask. He asked that the hours of operation be looked at. He questioned if all of the potential issues could be answered.

David Ellyatt questioned if there was a need for gravel, and if the property had enough value for the project. He noted they have to prove there are no very serious consequences for this project. He was concerned about dust impacts, well impacts, truck traffic, and property values. He said the Planning Commission should try to preserve the character of the area.

Kathy Slagter, a neighbor, noted she owns 20 horses and she has a business. She was concerned about the health and welfare of the horses, and she noted that dust can cause colic in horses. She was also concerned that the rumble of the equipment would impact the horses. She said that Rep. Calley had visited her home and business, and she asked the Planning Commission to protect her horses and property value.

Larry Heslinga, who lives on Wilkinson Lake, noted Barry County has a lot of gravel, but the zoning ordinance already limits areas where mining can occur. He said the county does not need a gravel pit on every corner. He asked the Planning Commission to weigh the need of the request versus the potential consequences. He said the county does not have a gravel emergency, and the county should wait until the new Master Plan is completed. Heslinga noted the area has perched aquifers, which could be breached, flooding the mine.

Joe Reinheimer, who lives on Wilkinson Lake, noted his house is close to the Hope Township's proposed gravel pit. He said being near a gravel pit is a consequence. He questioned how much gravel is needed. He said StoneCo has layers of corporation which could lead to potential problems. He noted he could hear the existing gravel pit on McKibben Road, which is three miles away.

Graham Smith, who owns Ackers Point on Long Lake, noted the county has a lot of natural resources other than gravel. He said a lot of the county is undeveloped, and the Planning Commission should be intentional in protecting it.

McManus read letters of opposition from John Schumacher, James Foster, Jeremy Lapratt, Mark Perkins, Gordon Smith, Gregg Berens, and Christy Tigchelaar. He also noted Mike Wilczynski had submitted information for the Planning Commission to review.

Vermeulen rebutted by saying that not one case of silicosis from silica dust has been reported to the state as a result of gravel mining. He noted mining operations are inspected every year. He noted the property value report that was referenced was theoretical and no real case studies were completed. He stated that Barry County has not had a reduction of property values.

Vermeulen noted quarries need to be dewatered to mine limestone, which can affect wells, but gravel pits do not need to be dewatered. He said the site has a closed loop where a well pumps the water out, but it infiltrates back into the ground. He said any evaporation from the ponds is offset by natural precipitation. He said they do not use chemicals when they wash the stone. He summarized his rebuttal by saying the noise level limitations will be met as the crusher will be below grade.

Morgan closed the public hearing and reconvened the Planning Commission.

Miner asked about using the new Master Plan. McManus noted the new Master Plan will take a year to complete, and a new zoning ordinance would come after that. He said the current zoning ordinance will be the guiding document.

Vanderboegh asked how long StoneCo had owned the property. Halloran said since 2010 for one parcel, and 2020 for the other.

Vanderboegh asked when they would start. Halloran said within one year. He said they would build the berms first.

Vanderboegh asked about the varying soil boring tests. Halloran noted it is called 'drill refusal' because there is too much rock for the drill to go through. He said that it is an indication of high-quality stone.

Vanderboegh asked where the rock will be transported to. Halloran said to Grand Rapids, Kalamazoo, and Battle Creek.

Vanderboegh asked which route they would take to get to Grand Rapids. Halloran said they would go to Otis Lake Road, Keller Road, and Norris Road.

Vanderboegh asked about the wells. Halloran said they will use 10-12 inch wells to fill the ponds, and the water recycles back into the ground.

Vanderboegh verified that the stone gets washed in the ponds. Halloran agreed.

Vanderboegh asked if the ponds were lined. Halloran said the settling pond is lined.

Vanderboegh asked about the yearly work schedule. Halloran said they do not crush from December through March. He said sales can happen all year round.

Vanderboegh asked how many products will be produced at the proposed site. Halloran said 8-12, mostly for concrete and asphalt production, and 21AA for roads.

Vanderboegh asked how far in advance production can be done to cover the demand for the product. Halloran said it goes hand in hand, but they do produce for 8-9 months for 12 months of sales.

Vanderboegh asked what percentage of his business went to the north. Halloran said it was based on the need for product.

Vanderboegh asked how long the pit will be in operation. Halloran said 20-25 years.

Vanderboegh asked where StoneCo's closest operation is located. Halloran said on 100th Street, but he noted this one is nearing its end date.

Vanderboegh asked how many trucks would be there per day. Halloran said 150-175.

Vanderboegh asked about the topographic lines on the plan. Paul Veldhuizen from Exxel Engineering said they show a 1-3 slope at 10-ft contour intervals.

Vanderboegh asked how much material was estimated to be on site. Halloran said 7 million tons which equates to 5 million yards.

Vanderboegh asked about dust mitigation. Halloran said they have a water truck to spray the road and machinery.

Vanderboegh asked how long each phase would take to complete. Halloran said 1-2 years/phase.

Vanderboegh asked about the financial guarantees. Halloran said they would submit a performance bond.

Vanderboegh asked about extraction fees. McManus noted the extraction fee requirement was never implemented.

Morgan temporarily recessed the Planning Commission at 8:25 p.m.

Morgan reconvened the Planning Commission at 8:35 p.m.

Conner asked if there was any information regarding silica dust effect on humans or animals. Vermeulen noted gravel operations are required to water so dust can be mitigated per EGLE requirements. He noted research indicated that horses adapt to noise. He said any noise will not exceed any ordinance limitations.

Conner noted the Orangeville ordinance has a quiet time.

Conner stated that she cannot hear an existing gravel pit on Patterson Road at her house.

Conner asked about using Hayward Road. Halloran said Hayward Road was too narrow of a gravel road and had deep ravines. Halloran noted the proposed driveway location has the best vision.

Conner asked if there were any stormwater issues. Halloran said all of the water flows internally and infiltrates into the ground.

Morgan asked about the decibel readers. McManus noted those ordinances are township-based.

Snow asked if the material would stay in Barry County or would it be shipped out. Halloran said it would be based on where the work projects are. Vermeulen said he expects many more projects to be completed in the next few years.

Snow verified that the crusher would be in the excavated hole. Halloran agreed.

Snow asked about the number of trucks. Halloran said there would be between 150-175 trucks/day.

Snow asked about dust mitigation. Halloran said they will water the site.

Snow asked about any stockpiles of soil. Halloran said they would be behind the hill.

Snow noted a 5-year review is required by ordinance. Vermeulen agreed.

McManus cautioned that a new zoning ordinance could change the pit requirements.

Snow asked what Plan B would be. Halloran said he did not know.

Nadwornik noted 175 trucks/day is one truck every three minutes, and he was concerned about people speeding on Miller Road. He asked if there were any other options.

Vermeulen noted the driveway access has been approved by the Road Commission.

Nadwornik asked about using Hayward Road. Halloran said it is not wide enough.

Morgan suggested widening and paving Hayward Road.

Morgan asked who reopened the pit on the corner of M-66 and Butler Road. McManus said he thought it was StoneCo.

Morgan noted they reclaimed the parcel from a moonscape to usable land. He asked what the reclamation plan was for the Miller Road parcel. Halloran said they will convert it to farmland. He said StoneCo tries to mine based on an end-use.

Morgan noted Miller Road and M-43 are not Class A roads. Halloran acknowledged that they would be subject to frost restrictions.

Morgan noted traffic is a concern, but it is difficult to guarantee safety.

Morgan asked if the product would go to the Road Commission or MDOT, and what percentage would go to each. Halloran said they do bid on jobs for each, but the percentage of product is unknown.

Morgan did comment that gravel roads turn to ice in the winter.

Snow asked how the truck drivers are paid. Halloran said StoneCo does not employ truck drivers, but he said 90% get paid by the hour. He said the company can limit access to the pit for problem drivers.

Morgan asked if the trucks are safety inspected. Halloran said yes.

Conner asked if the Planning Commission could see an active reclamation. Halloran said yes, and noted the 100th Street pit has high-end housing and wetlands.

Conner asked what the long-term plan would be. Halloran said to go toward Miller Road. Conner asked how the Planning Commission could review StoneCo's sites. McManus suggested tabling the request and reviewing the sites prior to the next meeting.

Morgan noted StoneCo removed and rebuilt on Guy Road to excavate gravel.

Morgan asked about the truck alarms. Halloran said trucks now have white-noise alarms which sound more like a duck.

Nadwornik asked if the site would have year-round access. Halloran said yes, but noted the peak time is August.

Morgan asked if the pit on Gilkey Lake Road has had any issues. McManus said no.

Vanderboegh asked when the conveyor would go under the road. Vermeulen said after Hope Township approves their side of the road, and hinted that litigation may take a couple of years.

McManus said that is why the proposed site plan cannot be considered, only the special use.

Vanderboegh asked about berms and screening, especially to the property to the south. He noted coniferous trees should be used. He was concerned about the truck numbers. McManus suggested asking for traffic counts on Miller Road.

Miner asked about limiting traffic numbers of trucks. Halloran said 150-175 would be the maximum numbers, but the truck numbers are less in spring and fall.

Vanderboegh asked if the truck traffic goes 50% in each direction. Halloran said the traffic is based on the work and is job-specific.

Morgan suggested the truck traffic could be lessened if the load times were extended.

Miner asked if product could be stockpiled off-site such as on Patterson Road. Halloran said not likely.

Motion by Nadwornik to table Case No. SP-1-2022 until April 25th, 2022 so that the Planning Commission can obtain traffic information for Miller Road and view reclamation sites as well as receive any additional information requested from the applicant. Support by Conner.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Special Use Tabled until April 25, 2022.

McManus noted the discussion will not begin until 7:30 p.m. at the earliest on April 25th as there will be three items on the agenda.

Motion by Miner to adjourn. Support by Snow. All ayes - motion carried.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,



Jack Nadwornik,
Secretary